

SEALED
IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF DELAWARE

ORIGINAL

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In re Grand Jury Subpoena
dated 7/2/03 and issued to
Eric Leonard Episcopo

) Miscellaneous Action No. 03-87
)
) **UNDER SEAL**

ORDER

This matter is before the Court on a motion by New Castle County to quash a subpoena (Docket Item 2; the "Motion") served on an attorney on the staff of the New Castle County Attorney. The subpoena seeks the testimony of the staff attorney before a federal grand jury investigating allegations of corruption in New Castle County's government. The County's Motion to quash is based upon the assertion of attorney-client privilege between the subpoenaed attorney and the County.

The Court is persuaded by the argument of the United States that, in the context of a federal criminal investigation, no government attorney-client privilege shields communications between attorneys in the New Castle County Law Department and County officials. In reaching this conclusion the Court finds particularly persuasive the reasoning set forth in the "Ryan" case, *In re: A Witness Before the Special Grand Jury 2000-2*, 288 F.3d 289 (7th Cir. 2002). That reasoning applies with full force to the matter before this Court and is adopted by the Court.

Accordingly, IT IS HEREBY ORDERED that the Motion is DENIED.


UNITED STATES DISTRICT COURT

Dated: August 11, 2003
Wilmington, Delaware